HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.13500 of 2006

Dated 11th JULY 2006

Between:
Siddireddi Satyanarayana Murthy
S/o late Sri Narayana Murthy, aged 47 years
Sarpanch, Yerramshetivaripalem Gram Panchayat
P.Gannavaram Mandal, East Godavari district
and 2 others

… Petitioners

And:

The Commissioner of Panchayat Raj and Rural
Employment, Government of A.P.,
Panchayatraj Bhavan, Himayathnagar
Hyderabad & 4 others.

… Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

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ORDER:

This matter came up for admission on 04.07.2006. Learned counsel representing the parties requested time to get instructions and this Court directed the matter to appear in the list on 07.07.2006. On 07.07.2006 this Court issued Rule Nisi and directed W.P.M.P. to appear in the Motion List on 10.07.2006. From 10.07.206, the matter is adjourned to this day.

2. The relief prayed for in the writ petition is for issuance of writ or order or direction more in the nature of writ of mandamus declaring the action of the respondents in reserving Yerramshettivaripalem village of East Godavari district for SC (women) as illegal, arbitrary and violative of Articles 14 and 243-K of the Constitution of India and also violative of Section 15 of the A.P. Panchayat Raj Act, 1994, and also prayed for consequential direction to the respondents to de-reserve Yerramshettivaripalem Gram Panchayat of P.Gannavaram Mandal of East Godavari District from SC (Women) and pass such other suitable orders.

3. The writ petitioners placed reliance on the representation made to the State Election Commission dated 25.06.2006 and also acknowledgment in relation thereto. It is stated in the affidavit filed in support of the writ petition that Yerramshettivaripalem (in short hereinafter referred to as 'Y.V.Palem' for the purpose of convenience) is reserved for SC (Women) out of 20 Gram Panchayats that fall under

P. Ganavaram Mandal of East Godavari district. The petitioners also state that when they came to know about the same, they met the Mandal Revenue Officer and also the Revenue Divisional Officer of Amalapuram and appraised them that Y.V. Palem was earlier under the Udinudi Gram Panchayat and deleted and constituted as a separate Gram Panchayat before 1970 itself. It is also stated that Y.V. Palem is not having a single household belonging to the SC community and had also drawn the attention of the authorities concerned by placing before them the voters list of Y.V. Palem for the years 1993, 1999 and 2006 to show that not even a single household/individual is residing or registered as a voter and as such reserving Y.V. Palem for the SC (Women) was in negation of the spirit of the Constitution of India and also the provisions of the A.P. Panchayat Raj Act, 1994 (hereinafter in short referred to 'the Act'). It is further stated that Section 15 of the Act contemplates a notice to the concerned Gram Panchayat before a decision is taken to reserve it for any community and in the instant case, no notice is issued to the Gram Panchayat nor any opinion is taken nor any enquiry is made nor the authorities concerned bother to look into census nor even care to look into the voters list preceding three terms. Several other factual details had been also narrated and the main ground of attack is that as there is not even a single household/individual belonging to SC population, the question of taking SC population into consideration would not arise and hence, the reservation is bad. Certain news items also had been relied upon.

4. Learned Government Pleader for Panchayat Raj would contend that this question need not be gone into at length in this writ petition for the reason that the Commissioner of Gram Panchayats and Rural Employment, Panchayat Bhavan already had issued Memo No.7309/CPR&RE/M2/2006, dated 10.07.2006 and in the light of the same, the said mistake would be rectified and necessary further steps

would be taken in this regard.

5) The memo placed before this Court reads as under:

> "Immediate attention of the District Collector, East Godavari District is invited to the reference cited wherein the District Panchayat Officer, East Godavari has informed that a writ petition was filed in Hon'ble High Court of A.P. regarding reservation of Yerramsettivaripalem Gram Panchayat of P.Gannavaram Mandal which was reserved for SC (W) and deserve the category of SC (W). Further, he has informed that the population of Y.V.Palem gram Panchayat is 1080 and SC population is 13 and there are no voters in the village but it was reserved in the category of SC as per the procedure in terms of G.O.Ms.No.220, PR & RD (Elecs.& Rules) Dept., 25.05.2006. Lastly, he has requested for a clarification that – at this juncture whether the reservations already made and published can be changed in respect of Yerramsettivaripalem gram Panchayat.
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> In view of the above, the District Collector (Pt.Wing), East Godavari District is requested to take immediate action in the matter following the same analogy of the clarification issued by the Government in Memo. No.864/Elec.&Rules/A2/2002-4, dated 28.06.2006 (copy enclosed)."

6) The said memo No.864/Elec.& Rules/A2/2002-4, dated 28.06.2006 is also placed before this court and the same reads as under.

> "The Commissioner, Panchayat Raj and Rural Employment in the above letter has stated that the District Panchayat Officer, Rangareddy district has reported that according to 2001 Census, a gram Panchayat has been reserved for S.Ts. But there are no S.T. voters in that Gram Panchayat. He has therefore, requested to issue as clarification in the matter.
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> 2. The Government after examining the matter in detail, hereby clarify that the next Gram Panchayat having S.T. voters shall be reserved for S.Ts. in the place of Gram Panchayat having no S.T. voters".

7. In the light of these clarifications already issued and placed before this court and the stand taken by the learned Government Pleader for Panchayat Raj this court is of the opinion that there is no need to pass any further orders. This court expresses the hope that the respondents would take appropriate steps to remedy the defect

pointed out. It is needless to say that the respondents may take further appropriate steps in relation to the conducting of the elections in relation to the gram panchayats in question.

8) With the above observation and also in the light of the memos referred to supra, the writ petition is disposed of. No order as to costs.

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P.S. NARAYANA, J

Dated 11th JULY 2006.

BSS